

All corrections to notes on this calendar must be filed no later than 12 P.M. (noon) on 2-28-05. Documents filed after this time will not be reviewed before the hearing and will likely result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00121

CASE NAME: MTR OF EVIA P WEST

HEARING:

Hearing re: RPT IN LIEU OF FINAL ACCTG; PTN FOR REIMB OF COSTS

COUNSEL:

CYNTHIA S REUTER (CPE)...DAVID W BROWN
EVIA P WEST (CEP)...

GENERAL INFORMATION: Conservatee died on 11-8-03.

THIS CASE IS SET FOR HEARING ON report in lieu of final accounting and petition for reimbursement of costs.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Paragraph 2 of the petition makes no sense. It indicates that a hearing on accounting was had on 4-17-98 and covered the period of 9-96 through 1-22-03. Please clarify.
2. Is there no one who is entitled to notice of hearing in this matter?
3. Accountings have been waived in this case.
4. There is \$1,635.36 in assets remaining.
5. The petitioner has expended \$508.36 in costs for the benefit of the Conservatee.
6. The Conservator has not been paid for services during the last 7 years of service. Petitioner requests fees of \$161 per year, which equals the remainder of the assets after payment of the costs advanced. There is no itemization, however, this does appear to be a reasonable request. Judge to decide.
7. Is attorney waiving fees?

RECOMMENDATION:

It would appear that all of the assets will be dissipated upon payment and reimbursement of the Conservator. It would therefore not appear necessary to set a future hearing date.

Upon correction of the notes above it would appear appropriate to grant the petition and discharge the Conservator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00302

CASE NAME: MATTER OF NEIL H HASKIN

HEARING:
Accounting Review

COUNSEL:

FRED A HASKIN	(CPE)...EDWARD G. OPERINI
ANNE HASKIN	(CPE)...EDWARD G. OPERINI
NEIL H HASKIN	(CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney for the Conservator has requested that the matter go over to the first available hearing date on or after 5-20-05. The CPA has indicated to counsel that he does not have the year end statements available from the banks in order to do the accounting and that with the tax season coming up he will not be able to complete the accounting until May.

RECOMMENDATION:

Recommended for approval for continuance to first available date on or after 5-20-05.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00347

CASE NAME: MTR OF JUDITH HUFFMAN

HEARING:
Accounting Review

COUNSEL:

KELLEY CARR	(CPE)...PRO/PER
JUDITH HUFFMAN	(CEP)...
GLENNA J PELHAM	(CPE)...
JAMES P HUFFMAN	(SC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C.§ 2620.2

Note to court: See also add-on page for this case.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00394

CASE NAME: CONSERVATORSHIP OF HELEN TRAHIN

HEARING:
Accounting Review

COUNSEL:

ROBERT W MAYER	(PET)...CALDWELL, KENNEDY & PORTER, A.
CHASE VANKIRK	(PET)...CALDWELL, KENNEDY & PORTER, A.
HELEN TRAHIN	(CEP)...DAVID & TURNER
CYNTHIA REUTER	(CTE)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C. § 2620.2.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00439

CASE NAME: MATTER OF ARMIDA RODRIGUEZ HOLGUIN

HEARING:

Hearing Re: INVENTORY & APPRAISAL.

COUNSEL:

MARIO HOLGUIN (CPE)...JO ANN MCDOLE
ARMIDA RODRIGUEZ HOLGUIN (CEE)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The order for the conservatorship was granted on 9-3-04. To date no letters have issued. No inventory and appraisal has been filed, but then it is not legally due until 4 months after the letters have issued.

RECOMMENDATION:

Set matter for O.S.C. re removal for failure to have letters issued and failure to file inventory and appraisal. Issue citation and have it personally served on Conservator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00440

CASE NAME: MATTER OF KATHLEEN E CERVANTES

HEARING:

Hearing Re: PROOF OF PROCEEDINGS IN HAWAII.

COUNSEL:

ARTHUR CERVANTES (CPE)...HARTNELL HORSPOOL & FOX
KATHLEEN E CERVANTES (CEE)...ANNETTE G DE BELLEFEUILLE
WILLIAM G CERVANTES (MOSES S. HALL)...MOSES S.

GENERAL INFORMATION: continued from 1-7-05.

THIS CASE IS SET FOR HEARING ON proof of proceedings in Hawaii.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No proof filed.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00448

CASE NAME: MATTER OF MELISSA ANN MCGARITY

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DIANE RAE GIEBELSTEIN (CPE)...STANLEY W HODGE

MELISSA ANN MCGARITY (CEP)...JOHN C SPAHN

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS00894

CASE NAME: MTR OF JOSEPH BORDELON

HEARING:
Accounting Review

	COUNSEL:
KIM BORDELON	(PET)...GABRIELLE R RANSELL
JOSEPH BORDELON	(MIN)...

GENERAL INFORMATION: continued from 9-17-04, 11-2-04 and 1-7-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C. § 2620.2

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01701

CASE NAME: MATTER OF CHRISTIAN ALARCON, DAVID ALARCON, ETAL

HEARING:

Hearing Re: FOR FILING OF INVENTORY & APPRAISAL.

COUNSEL:

PEGGY GONZALEZ	(PET)...	TREDWAY LUMSDAINE & DOYLE
CHRISTIAN ALARCON	(MIN)...	
DAVID ALARCON	(MIN)...	
JENESE ALARCON	(MIN)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The attorney signed the document in the area where the guardian was supposed to sign the document. The guardian has been appointed as a fiduciary and the attorney can therefore not sign in the absence of the administrator. Pr.C. § 1023.
2. The attorney failed to write in the date when the document was signed.

RECOMMENDATION:

Have attorney and petitioner submit a corrected inventory and appraisal.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01824

CASE NAME: MTR OF SKYLAR S COLLIER & STEPHEN J COLLIER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DARLENE I BELISLE (PET)...PRO/PER

STEPHEN J COLLIER (MIN)...

SKYLAR S COLLIER (MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -26-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by grandmother, minors 11 and 8.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Please specify if petitioner is the paternal grandmother or maternal grandmother.
3. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01825

CASE NAME: MTR OF EDWARD & ANDREW WOODS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DENNIS E WOODS	(PET)...PRO/PER
CHARITY A WOODS	(PET)...PRO/PER
EDWARD WOODS	(MIN)...
ANDREW WOODS	(MIN)...

GENERAL INFORMATION: Temporary letters issued 2-1-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 12 and 10.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. File notice of hearing and proof of personal service on oldest minor.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01826

CASE NAME: MTR OF SHANICE KARA VERA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

MARGARET OLIVA (PET)...THE HEGNER LAW FIRM

FRANK PEREDO (PET)...THE HEGNER LAW FIRM

SHANICE KARA VERA (MIN)...

GENERAL INFORMATION: Temporary orders made 1-31-05. However, letters have not yet issued.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person and estate, by aunt and uncle, minor 11.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice. Notice is dispensed to parents and grandparents as they are deceased.
2. Petitioner has requested the full range of 2590 powers. Powers under Pr.C. § 2590 et seq. are granted in the court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and **why each power sought is actually needed**. Here there is a list of powers sought, but no indication as to why **each** power is needed. File supplement.
3. The petition does not set forth the value of the home or the insurance proceeds. Bond will need to be set to cover this as well as the S.S.I. income. The S.S.I. income is \$11,472 per year. It would appear that the petitioners will have difficulty qualifying for a bond based on information contained in the confidential screening form. In the alternative to bond the court could require that all liquid assets be placed in a blocked account with proof to the court. The court could then deny the 2590 powers. Under such circumstances bond would not then be required.
4. Court may wish to review confidential screening form.

RECOMMENDATION:

Deny request for 2590 powers. Require the petitioners to place all liquid assets into a blocked account and show proof to the court by a date certain. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-26-05. Set hearing for accounting review for 4-14-06. Accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01827

CASE NAME: MTR OF ELIZABETH HERRERA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

FLORENTINO GONZALES (PET)...PRO/PER
MARGARET D GONZALES (PET)...PRO/PER
ELIZABETH HERRERA (MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -31-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by caretakers, minor 14.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Need D.C.S. report as petitioners are not related to minor.
3. Court may wish to review confidential screening form.
4. Margaret Gonzales did not sign the front of the guardianship questionnaire.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01828

CASE NAME: MTR OF JAMES WATERS JR

HEARING:

Petition for Appointment of Guardian

COUNSEL:

TERRY NOONER	(PET)...PRO/PER
JAMES WATERS JR	(MIN)...

GENERAL INFORMATION: Temporary letters issued 2-1-05

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal cousin, minor 6 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File certified copy of birth certificate.
2. File notice of hearing and proof of service per order prescribing notice.
3. What degree of cousin is petitioner? If more distant than first cousin then need D.C.S. report.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 03/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01829

CASE NAME: MTR OF JASON MICHAEL HART

HEARING:

Petition for Appointment of Guardian

COUNSEL:

BRADFORD S HART (PET)...PRO/PER

JULIE A JAROSZ (PET)...PRO/PER

JASON MICHAEL HART (MIN)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002397

CASE NAME: ESTATE OF SUSAN O HAMLIN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

EDWIN THOMAS HAMLIN (PET)...HARTNELL HORSPOOL & FOX
SUSAN O HAMLIN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. Clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002401

CASE NAME: ESTATE OF PAULINO MADARIETA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

VIRGINIA MADARIETA (PET)...JM WOOD AND ASSOCIATES

PAULINO MADARIETA (DEC)...

RAMONA N LEE (TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.
2. Petitioner needs to file bank statement from Union Bank.

RECOMMENDATION:

Require bank statement from Union Bank to be filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002441

CASE NAME: ESTATE OF BERTHA (BETTY) IBARRA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

THOMAS J GREENE (PET)...CALDWELL, KENNEDY & PORTER, A.
BERTHA BETTY IBARRA (DEC)...

GENERAL INFORMATION: No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002448

CASE NAME: MTR OF NANCY H ALLAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DESIREE MASLOV (PET)...DAVID & TURNER

DANIELLE HOLLANDSWORTH (PET)...DAVID & TURNER

NANCY H ALLAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002452

CASE NAME: ESTATE OF HERBERT GARDNER SWAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARY KORKOS (PET)...MARK E.RICCI
HERBERT GARDNER SWAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.
2. The bank statement does not match any of the figures on the inventory and appraisal. Please explain.

RECOMMENDATION:

Require reconciliation of bank statement and figures on inventory and appraisal.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002454

CASE NAME: ESTATE OF SIDNEY ABRAHAM SOIFER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAVID M SOIFER (PET)...DAVID W BROWN
SIDNEY ABRAHAM SOIFER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002543

CASE NAME: ESTATE OF BARBARA LEE BALOSSO

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

RICHARD LEE MCKINNEY (PET)...THE HEGNER LAW FIRM
BARBARA LEE BALOSSO (DEC)...

GENERAL INFORMATION: Continued from 1-7-05.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Arthur Balosso and Diane Farmer are named in the will, but are not on attachment 9. File supplement.
3. File declination to act by Diane Farmer.
4. Will waives bond.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-26-05. Set hearing for filing of status report and/or accounting for 4-14-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002582

CASE NAME: ESTATE OF MARTIN HERMAN KAHRE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

SANDRA LEE MILLER (PET)...DAVID W BROWN
MARTIN HERMAN KAHRE (DEC)...

GENERAL INFORMATION: Special letters issued 12-29-04.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-26-05.
Set hearing for filing of status report and/or accounting for 4-14-06. Any accounting to be
filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002583

CASE NAME: ESTATE OF CHARLES WARREN SAITO

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

KRISTIN SAITO (PET)...DAVID W BROWN
CHARLES WARREN SAITO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.
2. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-26-05. Set hearing for filing of status report and/or accounting for 4-14-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002584

CASE NAME: ESTATE OF JOHN HENRY SCHMIDT

HEARING:

Spousal Property Petition hearing.

COUNSEL:

KATHRYN M SCHMIDT (PET)...DAVID W BROWN
JOHN HENRY SCHMIDT (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.

RECOMMENDATION:

Recommended for approval.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01621

CASE NAME: ESTATE OF LORETTA V HINES

HEARING:

Hearing Re: FAILURE TO FILE REQUIRED DOCUMENTS.

COUNSEL:

DREWY HINES JR	(PET)...PRO/PER
LORETTA V HINES	(DEC)...

GENERAL INFORMATION: Continued from 6-18-04, 10-15-04 and 12-10-04.

Administrator did appear at the last hearing and has therefore been advised of the need to file documents. Court has ordered a citation issued and served. Citation has been served. Court has bench warrant jurisdiction. On 12-10-04 the court advised the administrator that this would be the last continuance. Apparently thereafter sanctions were to be imposed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.
2. Counsel withdrew from the case as the administrator refused to cooperate and refused to distribute.

RECOMMENDATION:

Court has information that the administrator refuses to distribute and has failed to file receipts. Court has contempt jurisdiction and bench warrant jurisdiction.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01827

CASE NAME: ESTATE OF PATRICIA M SINGLETON

HEARING:

Hearing re Final Discharge

COUNSEL:

NEILL SINGLETON (PET)...RICHARD S COLLINS
PATRICIA M SINGLETON (DEC)...

GENERAL INFORMATION: Continued from 7-9-04 and 1-7-05. Clerk has given notice.
Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge have been filed.

RECOMMENDATION:

Suggest the court set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01852

CASE NAME: ESTATE OF WILLIAM EDWARD SLAGLE

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:

STEVEN RAY SLAGLE (PET)...CHARLES
WILLIAM EDWARD SLAGLE (DEC)...
CYNDIE GODBEY SLAGLE (OBJ)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No file available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01912

CASE NAME: ESTATE OF JAMES BENJAMIN MINTON

HEARING:

Hearing Re: FILING OF RECEIPTS/FINAL DISCHARGE.

COUNSEL:

JAMES BRUCE MINTON (PET)...JAMES BRUCE MINTON
JAMES BENJAMIN MINTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts filed.

RECOMMENDATION:

Need final discharge order filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02121

CASE NAME: ESTATE OF THELMA BERNARD

HEARING:

Hearing Re: STATUS REPORT.

COUNSEL:

MARILYN HICKMAN (PET)...KAREN A STEVENSON

THELMA NOLENE BERNARD (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The status report was approved on 1-7-05 and the matter is currently scheduled for another status report/accounting for 6-17-05.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02166

CASE NAME: ESTATE OF DALE WELBAUM

HEARING:

Accounting Review

COUNSEL:

LIDIA WELBAUM

(PET)...JACOBS & GREGORY

DALE WELBAUM

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final accounting already approved.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02193

CASE NAME: ESTATE OF BERNEAN D CLAUSON

HEARING:

Hearing re: RPT OF STATUS OF ESTATE & ACCTG ASSETS

COUNSEL:

DAVID LEE ODELL	(PET)...	JONATHAN TASKER
BERNEAN D CLAUSON	(DEC)...	
NACELLE A TROEGER	(PET)...	JO ANN MCDOLE
NACELLE A TROEGER	(OBJ)...	

GENERAL INFORMATION: Covers 3-2-04 through 10-25-04.

THIS CASE IS SET FOR HEARING ON status/accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The accounting begins with 3-2-04. However the petitioner was appointed on 2-6-04. Why is the first month not covered in the accounting? File supplemental.
2. In the report the petitioner indicates that she has sold many of the assets of the estate based on the advice of a former counsel. These sales were done without court authorization. The sales resulted in \$7,567.65. The petitioner then distributed \$5,138.15 to heirs. She also paid Fredrick and Carveth Clauson \$762.55 each for assisting in the sale of assets.
3. Petitioner has filed a creditor's claim against the estate in the amount of \$86,400 for care of the decedent. Decedent's son filed a claim, which petitioner approved, in the amount of \$43,200 for care of the decedent. Petitioner then filed a second claim against the estate in the amount of \$9,292.06 for funeral expenses. Petitioner does not indicate if either of her claims have been approved or rejected by the court. File supplemental.
4. If creditor's claims have not been paid and the estate is of such a small size why is the petitioner making distributions to heirs?

5. Petitioner does not allege what remains to be done to complete the estate. File supplemental.
6. Petitioner requests reimbursement of \$5,164.53 in costs advanced. Amount is itemized. There is only \$994.86 in cash assets. How does petitioner propose to be paid?
7. No objections to the accounting have been filed.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 4-14-06. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02193

CASE NAME: ESTATE OF BERNEAN D CLAUSON

HEARING:

Hearing re: PTN FOR REMOVAL OF PERSON REP & APPT OF SUCC REP

COUNSEL:

DAVID LEE ODELL	(PET)...	JONATHAN TASKER
BERNEAN D CLAUSON	(DEC)...	
NACELLE A TROEGER	(PET)...	JO ANN MCDOLE
NACELLE A TROEGER	(OBJ)...	

GENERAL INFORMATION: continued from 11-5-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for removal of personal representative and appointment of successor representative.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner (David O'Dell) is a beneficiary and was the original petitioner for administrator. Nacelle Troeger filed a petition as well. The matter was settled with Troeger acting as the administrator. Petitioner now alleges that Troeger has wasted the assets of the estate and that it is in the best interests of the estate to remove her. He alleges that she has attempted to sell the estate real property for an amount \$4,000 less than what he offered to buy the property for. It is alleged that she has filed claims against the estate in an amount that would bankrupt the estate. He alleges that an administrator is not entitled to any amount other than her statutory fee (it should be noted that this is not a legally correct statement).
2. If the court finds that the allegations set forth above are sufficient to cause the court to inquire into the removal of the administrator then the court shall issue a citation and have it served upon the administrator requiring that she show cause why she should not be removed. **The administrator has already filed an objection to the petition thus removing from the court the necessity to find good cause for the**

issuance of a citation. The matter is contested and needs to be set down on the contested calendar.

3. Petitioner also requests that he be appointed the successor administrator. The code does allow for the filing of a petition for appointment of successor administrator concurrently with the filing of this petition. However, in order to name the successor administrator the petitioner must file all of the same documents he would have filed if this were an original petition for appointment of administrator using the appropriate Judicial Council forms. The only exception is that republication is not required. Petitioner has filed none of these documents.

RECOMMENDATION:

Set matter on contested calendar. Deny request to be successor administrator without prejudice, in that the proper documents have not been filed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02193

CASE NAME: ESTATE OF BERNEAN D CLAUSON

HEARING:

Hearing re: PTN FOR AN ACCOUNTING

COUNSEL:

DAVID LEE ODELL	(PET)...	JONATHAN TASKER
BERNEAN D CLAUSON	(DEC)...	
NACELLE A TROEGER	(PET)...	JO ANN MCDOLE
NACELLE A TROEGER	(OBJ)...	

GENERAL INFORMATION: See page 17 above for accounting. An heir has filed a petition for accounting and petition for removal of representative. This matter was continued to be heard with the above matters

THIS CASE IS SET FOR HEARING ON: Report of status of estate and accounting of assets.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. A report was previously filed and was never approved as it was so far out of balance.
2. A new accounting and status report has been filed.

RECOMMENDATION:

It would appear that issue is moot, as an accounting has been filed. Petitioner herein has the right to object to the accounting on page 17. Recommend that this matter go off calendar as moot.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02208

CASE NAME: ESTATE OF KENNETH E. CROSWELL

HEARING:

Hearing Re: ACCOUNTING.

COUNSEL:

KEITH CROSWELL	(PET)...	ROBERTA TAYLOR
KENNETH E CROSWELL	(DEC)...	
GENNEAN OWENS	(TP)...	PRO/PER

GENERAL INFORMATION: See next page on calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02208

CASE NAME: ESTATE OF KENNETH E. CROSWELL

HEARING:
Accounting Review

COUNSEL:
KEITH CROSWELL (PET)...ROBERTA TAYLOR
KENNETH E CROSWELL (DEC)...
GENNEAN OWENS (TP)...PRO/PER

GENERAL INFORMATION: Continued from 1-14-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting/status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02303

CASE NAME: ESTATE OF GISELA MARIE RAMM DORETTE MEIER

HEARING:

Hearing Re: FIRST & FINAL ACCT & REPORT ETC.

COUNSEL:

MATHEW H KUNDINGER (PET)...ROBERT A ROSS
GISELA RAMM MEIER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON first and final account and report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died intestate with no surviving spouse and no children. Petitioner alleges that the only living relatives are the sisters and brothers of the decedent. There is one predeceased brother who is alleged to have died without issue. The petitioner proposes to distribute 1/5 each of the estate to the surviving sisters and brothers of the decedent. Based on the allegations contained within the petition this would appear proper.
2. Three of the surviving siblings cannot be found. Petitioner proposes to distribute their shares to the County Treasurer pursuant to Pr.C. § 11850. This would appear appropriate.
3. Statutory fees are \$7,662.96.
4. Petitioner requests extra-ordinary fees in the amount of \$2,850 representing 38 hours at \$75 per hour. Amount is not itemized. On what basis would petitioner be entitled to fees of \$75 per hour? File supplemental.
5. Counsel requests extra-ordinary fees in the amount of \$3,500 representing 35 hours at \$100 per hour. Amount is not itemized.
6. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all **ordinary fees** have actually been earned. (In re Walker Estate (1963) 221 C.A.2d 792). File supplemental.

7. Petitioner requests permission to withhold \$10,000 in closing costs and possible taxes.
8. The accounting shows that there is \$212,990.36 in cash assets property on hand. The bank statement provided shows only \$180,315.17. Where is the rest of the money? File supplemental.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 4-14-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02304

CASE NAME: ESTATE OF KATHRYN LINDA SANCHEZ

HEARING:

Hearing Re: INVENTORY & APPRAISAL.

COUNSEL:

RALPH DUDLEY (PET)...RICHARD S COLLINS
KATHRYN LINDA SANCHEZ (DEC)...

GENERAL INFORMATION: Continued from 11-19-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

No letters have ever issued in this case. Suggest court set matter for O.S.C. re removal for failure to have letters issued and for failure to prosecute the case. Issue a citation and have it personally served. No bond has been filed so no bonding company need be noticed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 03/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS2158

CASE NAME: IN THE ESTATE OF LAURA L NEFF

HEARING:

Hearing Re: PETN FOR ORDER FOR APPTMT OF SUCCESSOR TRUSTEE.

COUNSEL:

PENNY NEFF (PLA)..
LAURA LORENE NEFF (PLA)..
GERALDINE M HARROLD (PET)...CHARLES C MCKEE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition for order appointing successor trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a residuary beneficiary of the trust. The named trustee is now deceased. The income beneficiary has nominated the petitioner to serve as successor trustee without bond. Petitioner consents to and requests her appointment without bond. Trust does not specify how the successor trustee is to be appointed.
2. File notice of hearing and proof of service in accord with Pr.C. § 17203.
3. Court has the power to appoint successor trustees under Pr.C. § 17200(b)(10).

RECOMMENDATION:

None.

State of California Superior Courts

Page:
ADD ON

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE DAVID A WILLIAMS

DATE:03/04/05

TIME: 8:30 AM

DEPT: V-12G

CASE #: VCVS 00347

CASE NAME: MATTER OF JUDITH HUFFMAN
HEARING: MOTION FOR CHANGE OF VENUE

COUNSEL:

KELLEY CARR
JUDITH HUFFMAN
GLENN J PELHAM
JAMES P HUFFMAN

(CPE)...PRO PER
(CEP)...PRO PER
(CPE)...PRO PER
(SC)... PRO PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON motion for change of venue.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service on all persons within the second degree of kinship to Conservatee.
2. The petitioner is the Conservator and advises that he and Conservatee have moved to El Dorado County. Petitioner wishes to transfer the action to that county.
3. Petitioner brings the petition under C.C.P. § 397(c) inconvenience of witnesses. Actually it the inconvenience of the Conservator and the Conservatee, which is generally not a ground for transfer under C.C.P. § 397. However, the C.C.P. is only applicable if there is not a code section in the Probate Code covering the issue. In this instance Pr.C. § 2210 et seq. covers the issue.
4. The court will likely be inclined to deem this a petition pursuant to Pr.C. § 2210 et seq. In that instance there are 2 defects in the petition. The petition must contain a brief description of the character, value and location of the property of the Conservatee. Pr.C. § 2213(c). And the names and address of all persons within the second degree of kinship to the Conservatee must be listed. Pr.C. § 2213(e). Neither item is contained within the petition. File supplemental.

RECOMMENDATION:

This matter is specifically related to item number 3 on this court's calendar. The court should likely order that the overdue accounting be completed before this petition is granted, assuming the notes are corrected.

State of California Superior Courts

Page:
ADD ON

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE:03/04/05

TIME: 8:30

DEPT: V-12G

CASE #: VGVS01831

CASE NAME: GUARDIANSHIP OF ANTHONY & PATRICK BYRON; BRANDON LAJENISS

HEARING: PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR

COUNSEL:

DARLENE BYRON

(PET) PRO/PER

ANTHONY BYRON

(MIN)

PATRICK BYRON

(MIN)

BRANDON LAJENISS

(MIN)

GENERAL INFORMATION: Petitioner filed the same petition in VG 01823. That petition was dismissed without prejudice on stipulation of the parties on 1-25-05. On 1-31-05 the petitioner filed the instant petition. Petitioner alleges that mother broke the agreement in the settlement in that mother's boyfriend is still in the house and is around the children. Temporary orders were denied. Court referred the matter to the Court Investigator for a report and recommendation. We are awaiting report.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, 9, 6 and 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has referred the matter to the Court Investigator. We are awaiting return of citation.
2. File notice of hearing and proof of service per order prescribing notice.
3. Court may wish to review confidential screening form.

RECOMMENDATION:

None.